

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HEARTLAND REHABILITATION
SERVICES, INC., an Ohio Corporation,

Plaintiff,

Case No. 06-11769

v.

District Judge Arthur J. Tarnow
Magistrate Judge R. Steven Whalen

JOHN MEKJIAN and PERFORMAX
PHYSICAL THERAPY, P.C.,
a Michigan Corporation,

Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART
PLAINTIFF'S MOTION TO COMPEL DISCOVERY**

Before the Court is Plaintiff's Motion to Compel Discovery [Docket #58], which has been referred for hearing and determination pursuant to 28 U.S.C. § 636(b)(1)(A). For the reasons and under the terms stated on the record on October 19, 2006, the Motion is GRANTED IN PART AND DENIED IN PART, as follows:

1. As to Request to Produce (RTP) #15, the Motion is DENIED WITHOUT PREJUDICE.
2. As to RTP #21, the Motion is GRANTED. Defendant shall produce monthly profit and loss statements covering the period of January, 2003 to the present. These statements shall be subject to the terms of the protective order entered on August 1, 2006.

In addition, the statements shall be provided only the attorneys and to independent experts, but not to the Plaintiff or any of Plaintiff's officers, directors or employees. Any future use of these statements, other than as set forth in this order, shall be by leave of the Court.

3. As to RTP #23, the Motion is GRANTED, subject to the protective order entered on August 1, 2006.

4. As to RTP #28 and #30, the Motion is DENIED.

SO ORDERED.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: October 19, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on October 19, 2006.

S/Gina Wilson
Judicial Assistant